

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L172 31341 HUM'S LIQUOR STORE
for LIQ OFF-SALE SERIES 3000

Held by:

**MICHALAUR LLC
DBA: HUM'S LIQUOR STORE
2126 LYNDALE AVE S
MINNEAPOLIS, MN 55405**

10-0796553

Findings of Fact

1. The Minneapolis Police Department License Investigative Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21.
2. On July 20, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Hums Liquor Store. A 20 year old female and an 18 year old female were sent into the business in an attempt to purchase alcohol. The shoppers went to the beer cooler, and the 20 year old female picked out a six pack of Corona Beer. The shoppers brought the six pack of beer to the register. The cashier did not ask the shoppers for ID. The cashier rang up the sale. 2 plain clothes Minneapolis Police Officers were standing at the check out counter behind the shoppers and observed the above transaction. The 20 year old female shopper paid for the six pack of beer, picked it up, and handed it off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to Hum's Liquor Store in the amount of \$500.00 as detailed in a City Council Resolution. Hums Liquor Store has paid the \$500.00 administrative fine.
3. On September 1, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Hums Liquor Store pursuant to the above compliance check failure. 2 underage shoppers were sent into Hums Liquor Store in an attempt to purchase alcohol. The underage shoppers were carded and refused service. The business passed the compliance re-check.

4. On August 2, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Hums Liquor Store for the calendar year of 2010. A 19 year old female and a 19 year old male were sent into the business in an attempt to purchase alcohol. The shoppers went to the beer cooler and picked out a six pack of Moose Drool Beer. The shoppers brought the six pack of beer to the register. The cashier asked for and checked the IDs of both shoppers. After checking the IDs, the cashier rang up the sale. 2 plain clothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the transaction. The shoppers paid for the six pack of beer, picked it up, and handed it off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. This constituted the second youth alcohol compliance check failure for Hums Liquor Store within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Hums Liquor Store in the amount of \$1000.00 as detailed in a City Council Resolution. Hums Liquor Store has paid the \$1000.00 administrative fine.
5. From the first sale on July 20, 2009, the server was charged with Furnishing Alcohol to a Person Under 21, and the server has been convicted of said charge. Criminal charges against the server are pending as a result of the August 2, 2010 failure.

Conclusions

1. On two separate occasions, employees of Hums Liquor Store sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.
2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

RECOMMENDATIONS

Based on the evidence presented at the hearing, the Department makes the following recommendations:

1. That Hum's Liquor Store upon signing this document shall provide the Department of License and Consumer Services a written policy regarding the elimination of alcohol service to minors in their establishment, and that the policy be approved by the Department of Licenses and Consumer Services, and that Hum's Liquor Store implement and maintain this policy.
2. That Hum's Liquor Store schedule a professional training for their employees regarding youth alcohol compliance, and provide the Licensing office with the name of the trainer and the training date, and that they do so within 30 days of the signing of this document.

3. That Hum's Liquor Store perform at least three (3) self checks for youth alcohol compliance annually for 2 years, and that they document these self checks and provide the documentation to Licensing.
4. That Hum's Liquor Store holds regular staff meetings and reminds employees at each staff meeting of the importance of checking identification for youth alcohol compliance.
5. That Hum's Liquor Store purchase and deploy one (1) device with which to automatically scan drivers licenses and other identification cards for the purpose of determining customers age and eligibility to purchase alcohol, and that such device be deployed with forty-five (45) days of this agreement.
6. That Hum's Liquor Store display signs that state an identification card is required by everyone in a group whenever a purchase is made by any members.
7. That Hum's Liquor Store has a trained manager on the premises at all times.
8. That Hum's Liquor Store attend 4 meetings of the Liquor Industry N the City (LINC) group.
9. That the City of Minneapolis Licensing Division imposes a sanction of \$3000, of which \$1500 will be stayed for a period of 2 years upon condition that there be no similar or same violations, and that this sanction be paid upon time of signing of this document.
10. Date of Agreement shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council; however should such approval be obtained after the execution of this Agreement the approval shall be retroactive to the date of execution.

Hum's Liquor Store understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

By: Mina D May
(signature)

Its: _____
(title)

Dated: 10-7-, 2010

For the City of Minneapolis:

RXC by Ricardo Cervantes
Deputy Director of Licenses

Dated: 10-7, 2010